

Tuesday, April 01, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-19. This is the time set for consideration of the Consent Agenda.

Chairperson Gibson: opens the floor to public comment.

Supervisor Arnold: states she will recuse herself from voting on Item No. 15 and is now absent.

On Item No. 15, the Board approves as recommended by the County Administrative Officer.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			

Supervisor Debbie Arnold is now present.

The action taken for Consent Agenda items 1 through 14 and 16 through 19 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request by the San Luis Obispo Business Improvement District (CBID), to re-appoint William Lee to the Los Osos/Morro Bay (unincorporated) Local Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

2. Request to approve two agreements with AEG Cycling related to the Amgen Tour of California Bicycle Race Stage 4 Finish in Cambria on May 14, 2014. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

3. Submittal of a compliance audit of the Los Osos Water Conservation Rebate Program. District 2.

Ms. Jerri Walsh; Mr. Richard Margetson; Mr. Chuck Cesena – Los Osos Sustainability Group; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); and Ms. Linde Owen: speak.

Mr. Jim Erb – Auditor-Controller-Treasurer-Tax Collector and Mr. Paavo Ogren – Public Works Director: speak.

The Board approves as recommended by the County Administrative Officer.

4. Submittal of a cash procedures and internal control review of the Farm Advisor Office conducted on November 20, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

5. Submittal of a resolution proclaiming March 30, 2014 - April 5, 2014 "Safety Seat Checkup Week" in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-74, adopted.

6. Submittal of a resolution commemorating the 50 year anniversary of the Federal Wilderness Act. All Districts.

Mr. Andrew Christie - Sierra Club Santa Lucia Chapter: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-75, adopted.

7. Submittal of a resolution proclaiming April 2, 2014 "National Walking Day" in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-76, adopted.

8. Request by Supervisor Mecham to appoint Angela McCormick to the Commission on the Status of Women. District 1.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

9. Request to approve the consolidation of the City of Morro Bay Municipal Election with the June 3, 2014 Direct Primary Election. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

10. Request to approve a five-year agreement with the California Military Department for County Fire to provide dispatch services to Camp Roberts Fire Department generating revenue of approximately \$30,000 annually. District 1.

Lieutenant Colonel Kenneth Koop: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

11. Submittal of a resolution approving an Option to Purchase Real Estate and Easements and a Memorandum of Option with Transitions Mental Health Association (TMHA) to develop a residential care facility for persons with mental disabilities at the former County juvenile hall known as Sunny Acres, 1600 Bishop Street in San Luis Obispo. District 3.

Mr. J.T. Haas – Board of Directors Transitions Mental Health; and Ms. Jill Bolster-White: speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-77, adopted.

Consent Agenda-General Services Agency and Board Sitting as the SLO Water Conservation and Flood Control District

12. Request to consider the Five Cities Fire Authority Assessment ballots for County owned property and San Luis Obispo Flood Control and Water Conservation District owned property. Districts 3 and 4.

Ms. Julie Tacker: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

13. Request to approve a new calendar year 2014 contract with Marcia McDonald, M.D. at a rate of \$100 per hour to provide psychiatric services for Mental Health patients. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

14. Submittal of Amendment #2 to the contract with Aspen Environmental Group Inc., to prepare an Environmental Impact Report for the Avila Point Coastal Plan Amendment/Development Plan/Coastal Development Permit in the amount of \$731,726 for consultant services. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

15. Submittal of bid opening report for La Panza Road Widening from Ryan Road to Hord Valley Road near Creston, and to award the subject contract to Raminha Construction, Inc., the lowest responsible bidder, in the amount of \$847,540. District 5.

Supervisor Arnold: recuses herself from voting on this item and is absent.

The Board approves as recommended by the County Administrative Officer.

Supervisor Debbie Arnold is now present.

16. Request to amend the FY 2013-14 Fixed Asset List for Fund Center 405 – Public Works Internal Service Fund to replace a microfilm reader/printer and an autoclave, and to authorize the trade-in of the current reader/printer and declare the current autoclave surplus. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda Public Works - Board Sitting as Flood Control District:

17. Request to appoint Leonard Moothart to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

18. Request to authorize a budget adjustment in the amount of \$136,474 from the Federal Asset Forfeiture Trust Fund to Sheriff-Coroner Fund Center 136 to purchase a side scan sonar; purchase a use of force simulator; a 50hp outboard engine for Sheriff’s pontoon boat; and a portable restroom and amend the Fixed Asset List in Fund Center 136 - Sheriff-Coroner. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

19. Request to appoint Anne Robin and Wendy Tyree to the Homeless Services Oversight Council (HSOC). All Districts.

The Board approves as recommended by the County Administrative Officer.

Presentations:

20. Submittal of a resolution proclaiming April 2014 "Autism Awareness Month" in San Luis Obispo County. All Districts.

Ms. Katrina Dewing - Autism Spectrum: speaks.

RESOLUTION NO. 2014-78, a resolution proclaiming April 2014 “Autism Awareness Month,” adopted.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

21. Submittal of a resolution proclaiming April 2014 "Month of the Child" and "Child Abuse Prevention Month" and April 12, 2014 "Day of the Child." All Districts.

Chairperson Gibson: opens the floor to public comment.

Ms. Elsa Dawson and Mr. Eric Greening: speak.

Ms. Rachelle Bowly-Sutton – Child Care Planning Council: speaks.

RESOLUTION NO. 2014-79, a resolution proclaiming April 2014 “Month of the Child” and “Child Abuse Prevention Month” and April 12, 2014 “Day of the Child,” adopted.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			

Arnold, Debbie (Board Member)	x			
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22. Submittal of resolutions recognizing Helen Daurio, Jeanne Blackwell and Sandy Richardson for receiving the Commission on the Status of Women "Women's Wall of Fame" Award. All Districts.

Ms. Paula Ufferheide and Ms. Kathy Veder – Status on the Commission of Women; Ms. Helen Daurio; Ms. Jeanne Blackwell; and Ms. Sandy Richardson: speak.

RESOLUTION NO. 2014-80, a resolution recognizing Helen Daurio for receiving the Commission on the Status of Women “Women’s Wall of Fame” award; RESOLUTION NO. 2014-81, a resolution recognizing Jeanne Blackwell for receiving the Commission on the Status of Women “Women’s Wall of Fame” award; and RESOLUTION NO. 2014-82, a resolution recognizing Sandy Richardson for receiving the Commission on the Status of Women “Women’s Wall of Fame” award, adopted.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

23. This is the time set for members of the public to address the Board on matters that are not scheduled on the current agenda.

Ms. Cindy Steinbeck: comments on Ag Appreciation Week; the Board's previous discussion regarding AB3030; a quiet title action; and adjudication relating to the Paso Robles Groundwater Basin.

Mr. Eric Greening: speaks to the decision to recirculate the draft Environmental Impact Report (EIR) on the Phillips 66 Track Extension Project; and the process regarding the upcoming Resource Management System (RMS).

Ms. Elsa Dawson; Mr. Tom Dawson; and Mr. Bill Pelfrey: address concerns regarding a Board Member's recent actions.

Mr. Dane Senser: speaks to the recent District Attorney prosecution regarding Karen Velie.

Mr. Ben DiFatta; Ms. Linde Owen; Mr. Richard Margetson; and Ms. Jerri Walsh: address various comments and concerns relating to the Los Osos Wastewater Project (LOWWP); and a lawsuit filed by A.R.B. Construction. Additionally, Ms. Owen, Mr. Margetson; and Ms. Walsh, comment on a recent event held for LOWWP construction workers.

Ms. Julie Tacker: discusses the financial impacts regarding the transfer of the Los Osos Community Services District's solid waste franchise to the County.

Chairperson Gibson: addresses Supervisor Hill's recent comments to CAPSLO; and clarifies Supervisor Hill has and will continue to recuse himself from all matters regarding homelessness and CAPSLO, with Board Members and Ms. Rita Neal – County Counsel, responding. **No action taken.**

Board Business

24. Update to the Board from the Anti-Gang Coordinating Commission on County gang activity as well as progress made in achieving the goals and objectives of the Anti-Gang Coordinating Commission Strategic Plan. All Districts.

Mr. Gerald Shea – District Attorney: presents a document from the Anti-Gang Coordinating

Commission (AGCC) titled: “Gang Violence in San Luis Obispo County: A Strategic Plan”.

Chairperson Gibson: opens the floor to public comment without response.

The Board receives the update from the San Luis Obispo County AGCC reflecting current San Luis Obispo County gang activity as well as progress in achieving the goals and objectives of the AGCC Strategic Plan presented to the Board of Supervisors in June 2009.

25.
- Request to approve the emPower agreements (Clerk's File) for pass-through funding (\$579,043) from California Energy Commission and Southern California Gas Company between County of Santa Barbara and County of San Luis Obispo for the emPower Energy Efficiency Program. All Districts.

Chairperson Gibson: opens the floor to public comment without response.

The Board approves and directs the Chairperson to sign the emPower Agreement to deliver the emPower Energy Efficiency Program with Southern California Gas Company funding (\$479,043) between the County of Santa Barbara and the County of San Luis Obispo (Clerk’s File); and approves and directs the Chairperson to sign the emPower Agreement to deliver the emPower Energy Efficiency Program with California Energy Commission funding (\$100,000) between the County of Santa Barbara and the County of San Luis Obispo (Clerk’s File).

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

26.
- Presentation on the Complete Communities Survey (Clerk's File) that identifies infrastructure needs and strategies to fund and implement needed improvements to infrastructure and public facilities in four unincorporated communities: Nipomo, San Miguel, Oceano, and Templeton. Districts 1 and 4.

Mr. Ben Noble – PlaceWorks Consultant: provides a powerpoint presentation with staff.

Mr. Brian Pedrotti – Planning and Building: explains that they are removing the Flood Control funding reserves from the Complete Communities Survey and comments on correspondence they recently received.

Chairperson Gibson: opens the floor to public comment.

Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB); and Mr. Bill Pelfrey: speak.

Supervisor Ray and Supervisor Mecham: outline various areas in the survey that need to be modified prior to receiving and filing it, with Chairperson Gibson directing staff to work with Supervisors on their communities’ issues that need to be amended and bring back the survey to receive and file on the consent agenda.

27.
- Request for authorization to process a General Plan Amendment to incorporate information relative to infrastructure deficits within Disadvantaged Communities into the San Luis Obispo County Land Use and Circulation Element as required by Senate Bill 244. All Districts.

Chairperson Gibson: opens the floor to public comment without response.

The Board authorizes processing of the General Plan Amendment.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

28. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Steinbeck, et al. v. County of San Luis Obispo, et al.; 2. Paso Robles Water Integrity Network v. County of San Luis Obispo, et al.; 3. Mesa Community Alliance v. State of California Department of Parks and Recreation, et al.; 4. North County Watch v. County of San Luis Obispo (SMR Subd., CV 098031).

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 1.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. SLOCEA-Trades and Crafts; 7. DCCA; 8. SLOGAU.

(Added Closed Session, per the addendum to the agenda. I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 9. Coast National Bank v. County of San Luis Obispo. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board approved a settlement in the case of Coast National Bank versus the County of San Luis Obispo. This lawsuit arose out of the County's denial of a reconsideration of condition of approval for Tract 2527 relating to a cultural resources mitigation fund. The settlement is as follows: Coast National Bank shall pay the total sum of \$415,000 as compensatory damages for the cultural resources mitigation fund and this will be a full satisfaction of the condition of approval. The monies will be paid to either the California Mission Studies Association or the California Missions Foundation, to be used for historical and archaeological studies or restoration activities associated with the San Miguel Mission. Coast National Bank will provide a \$150,000 letter of credit in the event of future litigation and the parties agree to dismiss the appeal which is currently pending in the Second District Court of Appeals. The Board's action was to approve the settlement and direct the Chairperson to sign the agreement. It was a five to zero vote. Further, the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 01, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: April 4, 2014